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United States of America

FILED

08 APR -8 AM 9:14

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *J*

DEPUTY

7 UNITED STATES DISTRICT COURT
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9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Criminal Case No. 08mj0923
11 Plaintiff,)
12 v.) PROTECTIVE ORDER
13 HAROLD GARNER, JR, (1))
14 MONICA FLORES-GARNER (2).)
15 Defendants.)

Pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure pertaining to pretrial discovery,

IT IS HEREBY ORDERED that the defendants, their counsel of record, and the counsel's assistants, as hereafter defined, shall not disclose the substance of any discovery material received from the Government in the above-captioned matter, including any wiretap records/information, to any third party, unless such material is already a matter of public record, without prior approval of this Court;

Pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure,

IT IS FURTHER ORDERED that the United States Attorney and the Assistant United States Attorney assigned to this case (hereafter collectively referred to as "the Government") and their assistants, the defendants, their counsel and his assistants, shall not disclose the substance of any discovery material produced to the defendants or obtained by the Government from the defendants,

1 unless such material is already a matter of public record, to representatives of the media or other third
2 parties not involved in any way in the investigation or prosecution of the case;

3 Except that nothing contained herein shall prevent the Government, or defendants or their
4 counsel, from disclosing such discovery material to any other attorneys working for the Government,
5 the defendants or their counsel, Government agents (federal, state or local), private investigators,
6 experts, secretaries, law clerks, paralegals, or any other person who is working for the Government or
7 the defendants and their counsel (collectively referred to as "assistants") in the investigation or
8 preparation of this case or, with respect to the Government and its assistants only, in other criminal
9 investigations, without prior court order;

10 Further, nothing contained herein shall preclude the Government, defendants or their counsel,
11 or their respective assistants from conducting a normal investigation of the facts of this case on behalf
12 of the Government or said defendants, or with respect to the Government and its assistants only, from
13 conducting an investigation of other criminal activity, including interviewing witnesses disclosed by
14 said discovery materials, or from taking statements from witnesses disclosed by said discovery
15 materials, or from asking said witnesses if they themselves have made prior statements to the
16 Government that are disclosed in the discovery materials, and about the contents of such statements.
17 In connection with any such investigation, it shall not be necessary that the Government, the defendants
18 or their counsel, or their respective assistants, obtain prior permission of this Court.

19 Should counsel withdraw or be disqualified from participation in this case, any material received
20 and any copies derived therefrom, shall be returned to the Government within ten (10) days.

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1 Defense counsel and the Government shall be required to communicate the substance of this
2 order and explain it to their client and assistants before disclosing the substance of the discovery to their
3 client or assistants.

4 SO ORDERED.

5 DATED: 4/7/08

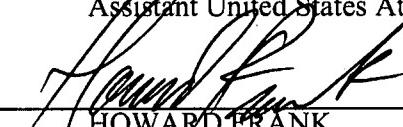

Anna E. Gargley
United States District Judge

10 I consent to the entry of the attached protective order in the case of United States v. Harold
11 Garner, Jr., et al, Magistrate Case No. 08MJ0923.

12 DATED: 4/7/08


Sherri Walker Hobson
Assistant United States Attorney

13 DATED: 4-7-08


Howard Frank
Attorney for defendant Harold Garner, Jr.

14 DATED: 4-7-08


Stephen Hoffman
Attorney for defendant Monica Flores-Garner

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